

Serial No. 09/845,388

REMARKS

1. This paper is responsive to the office action of September 22, 2004.
2. In brief, the present invention is a method for setting the intended use of an image within an image capture device and automatically initiating the execution of that intent.
3. Claims 1-2, 4-5, 7-24, 26, 28-38, 40, and 42-47 were rejected under 35 U.S.C. § 102(e) as being anticipated by Safai (US Pat. # 6,715,003). Claims 1-2, 4-5, 7-8, 10-11, 13-24, 26, 28-38, 40, 42-43, and 45-46 have been cancelled. Claim 9 has been amended to include all of the limitations of cancelled claims 1 and 8. Claim 12 has been amended to include all of the limitations of cancelled claims 1 and 11. Claim 44 has been amended to include all of the limitations of cancelled claims 37 and 43. Claim 47 has been amended to include all of the limitations of cancelled claims 37 and 46.
4. Regarding claim 9, the Examiner stated that, "Safai teaches on Column 15, Lines 23-32 the sharing step is initiated by the connection of the cable (telephone line) between the image capture device (camera) and the electronic device (server). The first step for transferring the image data to the server requires the telephone line to be connected." Claim 9 has been amended to clarify that the sharing step is automatically initiated by the connection of said cable. In applicant's invention the simple connection of the cable initiates the sharing step. As the Examiner noted, in Safai's invention the connection of the cable is the "first step for

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transferring the image data to the computer." In applicants' invention the connection of the cable is the **only** step required for initiating the sharing step. Nowhere does Safai teach that by connecting the cable to the camera and server the sharing step is automatically initiated without the user having to initiate the transfer. Thus, claim 9 is distinct from Safai and in a condition for allowance.

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sharing is automatically activated by the connection of said cable. In applicant's invention the simple connection of the cable activates the means for sharing. As the Examiner noted, in Safai's invention the connection of the cable is the "first step for transferring the image data to the computer." In applicants' invention the connection of the cable is the only step required for activating the means for sharing. Nowhere does Safai teach that by connecting the cable to the camera and server the means for sharing is automatically activated without the user having to initiate the transfer. Thus, claim 44 is distinct from Safai and in a condition for allowance.

7. Regarding claim 47, the Examiner stated that, "Safai teaches on Column 1, lines 58-64 the computer can read images stored in a memory card. The first step for transferring the image data to the computer requires the memory card to be connected to the computer. Therefore, the sharing step is initiated by the insertion of the removable memory card." Claim 47 has been amended to clarify that the means for sharing is automatically activated by the insertion of said removable memory card. In applicant's invention the simple connection of the cable activates the means for sharing. As the Examiner noted, in Safai's invention the insertion of the memory card is the "first step for transferring the image data to the computer." In applicants' invention the insertion of the memory card is the only step required for initiating the sharing step. Nowhere does Safai teach that by the insertion of said removable memory card, the means for sharing is automatically activated without the user having to initiate the transfer. Thus, claim 47 is distinct from Safai and in a condition for allowance.

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8. Claims 3, 6, 25, 27, 39, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safai (US Pat. # 6,715,003). Claim 3 has been amended to include all of the limitations of cancelled claims 1 and 2. Claim 6 has been amended to include all of the limitations of cancelled claims 1 and 5. Claim 25 has been amended to include all of the limitations of cancelled claims 22 and 24. Claim 27 has been amended to include all of the limitations of cancelled claims 22, 24, and 26. Claim 39 has been amended to include all of the limitations of cancelled claims 37 and 38. Claim 41 has been amended to include all of the limitations of cancelled claims 37 and 40.

9. Regarding claims 3, 6, 25, 27, 39, and 41 the Examiner made the same argument for obviousness. The Examiner stated that, "As for Claim 3 [and 6, 25, 27, 39, and 41], Safai teaches that the transferring step can be performed by using infrared transition. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold. Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss due to a low signal to noise ration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal strength has reached a predetermined threshold in order to avoid signal loss due to a low signal to noise ratio." Claims 3, 6, 25, 27, 39, and 41 have been amended to clarify that the transfer of data is automatically activated by the proximity of said infrared transmitter to said infrared receiver crossing a proximity threshold. In applicant's

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invention the simple proximity of the transmitter to the receiver activates the transfer of data. Inherent in Safai's invention is the fact that a user must initiate any transfer of data. While the IR transmitter may delay the transfer of data until a receiver is in range, the fact remains that the data transfer was initiated by a user.


5 In applicants' invention the proximity of the transmitter to the receiver is the only step required for initiating the transfer of data. Nowhere does Safai teach that by the proximity of said infrared transmitter to said infrared receiver crossing a proximity threshold, the transfer of data is automatically activated without the user having to initiate the transfer. Thus, claims 3, 6, 25, 27, 39, and 41 are
10 distinct from Safai, and non-obvious to one of ordinary skill in the art at the time the invention was made, and in a condition for allowance.

10. For these reasons, this application is considered to be in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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